

Approved

TOWN OF JERUSALEM
ZONING BOARD OF APPEALS

The regular monthly meeting of the Town of Jerusalem Zoning Board of Appeals was called to order on Thursday, October 8th, 2015 at 7 pm by Chairman Glenn Herbert.

Roll Call:	Glenn Herbert	Present
	Jim Crevelling	Present
	Ed Seus	Present
	Dwight Simpson	Present
	Earl Makatura	Present
Alternate	Rodgers Williams	Present
Alternate	Joe Chiaverini	Excused

Others present included: John F. Phillips/CEO, Tim Cutler/Planning Bd., Jerry Hiller/Keuka College, David Waite/The Krog Corp., Jonatha Meade/Hunt Engineers, Ben Gustafson/Hunt Engineers, Robert Brown, Marianne Jahnke, Janet Russell, Don Schneider, Jeanine Santelli, Shari Case, Bob Case, Dorothy Williams, Arlan Hedges, Virginia Colf, Patrick Killen/Supervisor, and John Manley.

A motion was made by J.Crevelling seconded by G.Herbert to approve the September Zoning Board minutes as written. The motion was carried unanimously.

COMMUNICATIONS:

The Yates County Planning Board's Decision to Approve the Area Variances for the Krog Corporation at their meeting which was held on August 27th, 2015 was given to the Zoning Board Chairman (copy on file with the application).

AREA VARIANCE/SPECIAL USE REVIEW

Application #1052 for Area Variances for The Krog Corporation for property owned by Keuka College at the corner of Central and Assembly Avenue requesting Area Variances for front yard variances, one rear yard variance and a lot coverage variance of 1.7% over the allowed 20% in the R2 zone.

Ben Gustafson from Hunt Engineers was present to briefly describe the proposed building plan application and to answer questions for board members.

It was noted that the roof overhangs on each side of the building are approximately one foot so that the requested variances are an additional ft. on each side due to the overhangs. On the side towards Chestnut St. the front yard setback being requested is 15.6 ft. On the side towards Central Ave. the setback being requested is 11.9 ft. On the side towards Assembly Ave. the setback being requested is 27.1 ft. All of the front yard setback requirements are 30 ft. The rear yard setback towards the Post Office property lot line being requested is 10.1 ft. and the required setback is 20 ft. The lot coverage requested is 21.7% which is over the allowed 20% lot coverage by 1.7%.

It was noted that the building does not set exactly parallel with the property line that borders Central Ave. It is slightly narrower at the north end and widens out slightly coming south towards Assembly Ave.

A question came up about the location setbacks for the area variances requested and where they were measured from. It was noted that the setbacks were taken from the property boundary lines and not from the center of the streets. A question had come up as to the width of Central Avenue and whether it was a 3 rod or 4 rod road.

ZAP Secretary noted that when the Survey had come in from Certified Land Surveyor, Timothy Olmstead, for the Survey of the project lot, a question had come up about the streets. She had contacted him about this and he noted that his survey only showed one side of the streets in question, i.e. the side towards the project site, not both sides of the following streets: Assembly Ave., Central Ave., Chestnut St., or Poplar Street. A request was made to have Licensed Land Surveyor Timothy A. Olmstead send a letter to the Zoning Board as to the width of Central Avenue and verify that the setback distances for the proposed building (and the requested area variances) were measured from the property boundary lines.

Mr. Gustafson noted that if they had not asked for the area variances for setbacks or for the increased lot coverage they would have had to increase the height of the building in order to get the same sq. footage for the benefit that they needed to accomplish the program for which this building is intended.

Part of the program for this project was to move some of the class rooms from other older campus buildings into the proposed new building such as the health classes, etc. Another factor for this size building and the variance requests was to remain more in keeping with the buildings of the surrounding area and immediate vicinity.

Other areas were looked at as possible locations for this proposed building, and it was deemed that this location was best suited for this project.

Residents of Keuka Park were present to voice their concerns with regards to the size and location of this building as well as its location. The College in the past has traditionally been a very open and very green campus. Having a building of this 2 story height and size it seems to be oversized for the lot and is crowding the roads. The removal of several mature trees was of concern, since they do take up water and provide shade for the parking areas. Another concern was the pedestrian traffic and crossing of students where Central Ave. and Assembly Ave. come together that has a wide open area of visibility at this time but will become limited once the "Keuka Commons" building is built. The fact that many students who cross the street at this location, are not "paying attention", can make for a very dangerous situation.

Parking areas continue to shift from one area to another and while one area across the road from the proposed Keuka Commons site has been opened up i.e. a building has been removed, it has now been black-topped to become a parking area for K.C. Staff and students.

A question was asked if any application had been made for a use variance if some of the space in this building is going to be used commercially. Chairman G.Herbert stated that at this time there has been no application for that.

J. Crevelling had concerns about future parking and the fact that in accordance with the Master Plan, this was not the only building that was planned for this property. Where would future parking go if this were to happen?

B. Gustafson for Hunt Engineers stated that part of their job as the design engineers for placement of the building was to work with the Master Plan and help create a sense of Community within the Keuka College campus.

D. Simpson had concerns about the size of the building with respect to the neighborhood. He also had concerns about student safety and pedestrian traffic as he drives through this area every day and is aware of the potential safety hazards with this big of a building being placed on this lot at the corner of Assembly and Central Avenue.

It was noted that the R2 zone limits the uses to single family dwellings and educational uses and commercial/business uses are not listed.

Chairman G.Herbert asked what would happen to the project if the Zoning Board denied the Area Variances as requested. Would a new location be looked at for the proposed building.

J. Hiller representing the College stated that Governor Cuomo passed the 'Start-Up New York' law and the College was successful in securing one start-up business and several others that are being negotiated now. He stated that they would like to bring up the offices that they are currently leasing down at the Keuka Business Park and bring them on Campus. This would bring the employees that have to commute, back to campus and free up the space at the Keuka Business Park for new businesses.

He stated that they have a two-fold plan. One is to help expand business growth within the Community and two is to increase the number of students that not only attend Keuka but also graduate from Keuka.

The area variance test questions were read and reviewed with the following results:

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby property owners will be created by the granting of the area variance: (5-no, 0-yes).

2. Whether the benefit to the applicant could be achieved by some other feasible method than an area variance: (3-yes, 2-no). G.Herbert-no, J.Crevelling-no, E.Makatura-yes, D.Simpson-yes, E.Seus-yes.

3. Whether the requested area variance is substantial: (5-yes, 0-no).

4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions of the neighborhood or district: (2-yes, 3-no). G.Herbert-yes, J.Crevelling-no, E.Makatura-no, E.Seus-no, D.Simpson-yes).

5. Whether the alleged difficulty was self-created: (5-yes, 0-no).

Board members were in unanimous agreement that this is a SEQR Type II action.

A motion was made by J.Crevelling and seconded by G.Herbert to grant the Area Variance request #1052 for Keuka College for the Keuka Commons building with the setbacks as follows: on the Central Avenue side no part of the structure shall be closer to the property boundary line than 11.9 ft. On the Chestnut Street side no part of the structure shall be closer to the property boundary line than 15.6 ft. On the west side, no part of the structure shall be closer to the property boundary line than 10.1 ft. and on the Assembly Avenue side no part of the structure shall be closer to the property boundary line than 27.1 ft. The coverage of the lot by this building shall not exceed 21.7 %.

The motion was carried with a poll of the board as follows: E. Makatura-grant, D.Simpson-deny, not convinced that the program for the college could still be carried out and the building be built in compliance with the zoning ordinance; E.Seus-grant, G.Herbert-grant, J.Crevelling-grant.

OTHER BUSINESS:

Board Members received an application for a Special Use that will be on the November agenda for a 2732 Wager Hill Rd. a portion of tax map #60.02-1-14.1. This application requires SEQR review.

A motion was made by G.Herbert and seconded by J.Crevelling to have the Jerusalem Planning Board be the SEQR review agency as part of this application which will also be part of a Site Plan review application that the Planning Board will be reviewing at their November Planning Board meeting. The motion was carried unanimously.

There being no further business, a motion was made by E.Makatura and seconded by J.Crevelling to adjourn the meeting. The motion was carried unanimously. Meeting adjourned.

Respectfully submitted,
Elaine Nesbit/Secretary

